UNITED STATES DISTRICT COURT	EASTERN DISTRICT OF TEXAS
DEMETRIUS NELLUM,	
Plaintiff,	9 8 8
versus	§ CIVIL ACTION NO. 9:21-CV-256
JOSEPH B. FOXWORTH,	8 8 8
Defendant.	<b>§</b>

## ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Demetrius Nellum, proceeding *pro se*, filed the above-styled lawsuit. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that a motion to dismiss filed by the defendant be granted. To date, the parties have not filed objections.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the magistrate judge are correct.

Accordingly, the Report and Recommendation of United States Magistrate Judge (#28) is **ADOPTED**. The motion to dismiss (#21) is **GRANTED**. The following portions of this lawsuit are dismissed: (1) the failure to protect claim; (2) all official capacity claims; (3) the request for injunctive relief and (4) all state law claims.

SIGNED at Beaumont, Texas, this 15th day of March, 2024.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE